

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

CRIMINAL NO. – 04-10260

V.

CARLOS HOWELL

DEFENDANT’S MOTION FOR CONTINUANCE

Now comes the defendant’s attorney, Walter H. Underhill, and moves this Honorable Court to continue his matter currently scheduled for sentencing on January 31, 2005.

In support of this motion the defendant’s counsel states that he is currently engaged in trial in the case of United States v. vanVliet, 02-CR-10362 and is reasonably expected to be so through January 31, 2006. Counsel has not been able to adequately devote the necessary time for the filing of a sentencing memorandum and downward departure motions as a result of his schedule over the past several months. Counsel requests a short period of additional time to effectively prepare these submissions.

The defendant,
CARLOS HOWELL
By his attorney,

‘/s/Walter H. Underhill, Esquire’
Walter H. Underhill, Esq.
66 Long Wharf
Boston, MA
02110
4th. Floor
Tel. # 617-523-5858

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). No paper copies need be sent as all participants are registered ECF participants.

SIGNED: ‘/s/Walter H. Underhill, Esquire’
WALTER H. UNDERHILL, ESQ.

DATE: January 25, 2006

RULE 7.1 CERTIFICATION

Defense counsel has notified AUSA Nancy Rue of his intent to seek this continuance, however, the parties have not actually conferred on this motion.

SIGNED: ‘/s/Walter H. Underhill, Esquire’

DATE: January 25, 2006

SPEEDY TRIAL WAIVER

The defendant does not believe that the Speedy Trial Act applies to a motion after the defendant's guilty plea, but to the extent that it does, the defendant waives any time period between January 31, 2006 and any further continuance date the Court schedules.

SIGNED: ‘/s/Walter H. Underhill, Esquire’

DATE: January 25, 2006